



State of Wisconsin \ Department of Commerce

RULES IN FINAL DRAFT FORM

Rule No.: Chapter Comm 200

Relating to: Small Business Enforcement Discretion

Clearinghouse Rule No.: 07-005

Robert Marchant
Senate Chief Clerk
B20 Southeast, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Patrick Fuller
Assembly Chief Clerk
Room 401
17 West Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 07-005

RULE NO.: Chapter Comm 200

RELATING TO: Small Business Enforcement Discretion

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the chief clerk of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

Aaron Olver
Deputy Secretary

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 07-005

Rule No.: Chapter Comm 200

Relating to: Small Business Enforcement Discretion

Contact person for substantive questions:

Contact person for internal processing:

Name Sam Rockweiler Name (same)

Title Code Development Consultant Title _____

Telephone Number 266-0797 Telephone Number _____

1. Basis and purpose of the proposed rule.

As required by section 895.59 (2) of the Statutes, these proposed rules disclose the discretion that the Department may exercise in enforcement actions which are undertaken to obtain a small business's compliance with the Department's rules and guidelines.

2. How the proposed rule advances relevant statutory goals or purposes.

The rules are consistent with the criteria in 2003 Wisconsin Act 145 that are intended to assist small businesses in complying with state-level mandates.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantial changes were made to the rule analysis or fiscal estimate.

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 07-005

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☐ Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

The proposed rules do not impose any mandates on small businesses, other than to inform the Department that they are a small business, in the event they desire the enforcement discretion which is disclosed in the proposed rules.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

No comments were received during the public Hearing stage.

(Continued on reverse side)

3. Nature and estimated cost of preparation of any reports by small businesses.

No reports are newly required by the proposed rules.

4. Nature and estimated cost of other measures and investments required of small businesses.

No other measures and investments are newly required by the proposed rules.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 07-005

RULE NO.: Chapter Comm 200

RELATING TO: Small Business Enforcement Discretion

Agency contact person for substantive questions.

Name: Sam Rockweiler

Title: Code Development Consultant

Telephone No. 266-0797

Legislative Council report recommendations accepted in whole.

☒

Yes

☐

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. ☐ Accepted

b. ☐ Accepted in part

c. ☐ Rejected

d. ☐ Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. ☐ Accepted

b. ☐ Accepted in part

c. ☐ Rejected

d. ☐ Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached